

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAVID A. BOYCE,)	
Petitioner)	
)	
v.)	C.A. No. 12-cv-30161-MAP
)	
COMMONWEALTH OF MASS.,)	
Respondent)	

MEMORANDUM AND ORDER REGARDING
REPORT AND RECOMMENDATION WITH REGARD TO
RESPONDENT'S MOTION TO DISMISS PETITION
(Docket Nos. 13 & 28)

July 12, 2013

PONSOR, U.S.D.J.

Petitioner filed a petition for writ of habeas corpus on September 18, 2012. On October 31, 2012, Respondent filed a Motion to Dismiss (Dkt. No. 13), which was referred to Magistrate Judge Kenneth P. Neiman for a report and recommendation. On March 14, 2013, Magistrate Judge Neiman issued his Report and Recommendation, to the effect that Respondent's motion should be allowed.

Petitioner was afforded extensions to file objections to the Report and Recommendation and ultimately required to file any objections by July 8, 2013. See Dkt. No. 45.

Petitioner has filed no objection to the Report and Recommendation. The court has, upon de novo review, concluded that the Recommendation is substantively meritorious. In light of this, and the fact that Petitioner

failed to file an objection, the court hereby ADOPTS the Report and Recommendation of Magistrate Judge Kenneth P. Neiman dated March 14, 2013 (Dkt. No. 28). Respondent's Motion to Dismiss (Dkt. No. 13) is hereby ALLOWED. Judgment of dismissal will enter. The case may now be closed.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge